

Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: February 4, 2003

COUNCIL DISTRICT: 4

SUBJECT: VACATION OF A PORTION OF OLD BAYSHORE HIGHWAY

BACKGROUND

This is a City initiated request to vacate a portion of Old Bayshore Highway west of North 13th Street (see attached map). The request to vacate a portion of the street is in conjunction with and is a condition of an approved Site Development Permit (File No. H00-09-076) for the construction of a new 8,150 square-foot building on a 56 gross acre site. The vacation of this portion of Old Bayshore Highway would allow for the completion of public right-of-way improvements and incorporation of the vacated portion of Old Bayshore Highway into the subject approved project.

The Department of Public Works has no objections to the proposed vacation and recommends that it be approved. The vacation affects only the surplus portion of the street and would maintain adequate right-of-way. All concerned utility companies have been contacted and have no objections to the proposed vacation, provided that a public service easement is reserved. Accordingly, a public service easement and an access easement will be reserved over the entire portion of the right-of-way proposed to be vacated.

This vacation is in conformance with the adopted San José 2020 General Plan Land Use/Transportation Diagram in that the proposed vacation of a portion of Old Bayshore Highway would not change the allowed uses on the adjoining property nor the General Plan designation of Old Bayshore Highway as a Major Collector Street.

CEQA

Under the provisions of Section 15305 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from environmental review because it only consists of a minor alteration in land use limitations which does not result in any changes to land use or density.

RECOMMENDATION

Planning Staff recommends approval of the vacation to the satisfaction of the Director of Public Works.

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

Attachments

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